IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 60 OF 2007

SHRI. RAMDAS P. NAIK AND 4 ORS., ... Appellants
Versus
SHRI. VITAL RAMA NAIK (DECEASED)
REPRESENTED BY LR'S AND 4 ORS., ... Respondents

Mrs. A. A. Agni, Advocate for the appellants.

Mr. R. G. Ramani, Advocate for the respondents No.1(i) to (vi),2,3(iv),(v) and 4.

Coram:- R. S. MOHITE, J.

Date:- 19th July, 2007

P.C.

Heard both sides. This appeal challenges an order dated 7.5.07 passed by the Civil Judge, Jr. Division, Ponda, directing an inquiry under Article 1383 of the Portuguese Civil Code. It was a contention of the respondents that a property known as "Vagdem" situated at Kurti in Ponda Taluka bearing Matriz No.486, Urban Matriz No.26, survey No.106/1 of Village Khandepar, Kurti which was described in the list of assets, was the property of one Rama Bhicaro Naik who is admittedly the predecessor-in-title of both the parties. An objection was raised by the present appellants and they claimed that it was an exclusive property obtained from a third party under a Consent Decree dated 16.8.79. Even assuming that, in this case the inquiry can go behind the consent decree in order to find out the real owners of the property in question.

2. The matter is at an interim stage and all contentions can be raised before the trial Court. This is not a fit case for interference. Hence, the appeal is rejected.

R. S. MOHITE, J.

ssm.